

City of Reading City Council
Regular Meeting November 24, 2014

Council President Acosta called the meeting to order.

The invocation was given by Pastor Ramon Mendez, First Evangelical Church.

All present pledged to the flag.

ATTENDANCE

Council President Acosta

Councilor Daubert, District 1

Councilor Goodman-Hinnershitz, District 2

Councilor Sterner, District 3

Councilor Marmarou, District 4

Councilor Reed, District 5

Councilor Waltman, District 6

City Auditor D. Cituk

City Solicitor C. Younger

City Clerk L. Kelleher

Managing Director C. Snyder

Mayor V. Spencer

PROCLAMATIONS AND PRESENTATIONS

Council commendations were presented to the following:

- Recognizing the 75th Anniversary of the Fire Tower, accepted by Mike Reinert.
Booklets on the history of the Fire Tower were distributed.

PUBLIC COMMENT

Council President Acosta stated that there are four (4) citizens registered to address Council on non-agenda matters. He inquired if any Councilor objected to suspending the rule requiring non-agenda comment at the end of the meeting. As no one objected the rule was suspended.

Councilor Daubert read the public speaking rules that were adopted by Council.

Pastor Maria Vializ, of Schuylkill Avenue, was not present.

David Vializ, of Schuylkill Avenue, was not present.

Eddie Moran, of Berks Street, expressed the belief that Reading Parking Authority (RPA) personnel are rude and unfriendly. He described two encounters he had with RPA personnel in the downtown. During the first encounter Mr. Moran was double parked waiting for a parked car to exit a metered parking space and the RPA officer insisted that he drive away rather than wait for the parked car to leave the space. During the second encounter the RPA officer refused to allow him to park at a metered space because the meter was broken. He expressed the belief that people in positions of authority should behave with a respectful attitude. He questioned how the downtown can be revived when officials have a disrespectful attitude.

George Stichter, (did not provide an address as required), apologized for his behavior when he last addressed City Council at a regular meeting. He questioned how the City can continue to hurt the poor. He expressed the belief that the Quality of Life (QoL) program instantly finds a property owner guilty. He stated that he has resided in Reading since he was 15 years old and that he became a landlord in his adult life. He noted the diminished value of his properties and questioned how he can support himself as a landlord in Reading. He expressed the belief that the QoL program was intended only to raise money. He stated that the program does not help the poor.

APPROVAL OF THE AGENDA & MINUTES

Council President Acosta called Council's attention to the agenda for this meeting, including the legislation listed under the Consent Agenda heading and the minutes from the November 3rd Special Meeting and the November 10th Regular Meeting of Council. He noted that the Administration wants to withdraw the Award of Contract listed under the Consent Agenda heading.

Councilor Sterner moved, seconded by Councilor Marmarou, to approve the minutes from the November 3rd Special Meeting and the November 10th Regular Meeting of Council and the agenda, including the legislation listed under the Consent Agenda heading. The motion was approved unanimously.

Consent Agenda

WITHDRAWN A. Award of Contract – for the Construction Management at the WWTP for the Consent Decree (Purchasing Mgr) *To be distributed on Monday* -

B. Resolution No. 125-2014 – disposing Pension office documents through 2008 (**Council Staff**)

C. Resolution No. 126-2014 – setting the salary of the CD Confidential Secretary, at \$40,000.00 per annum, retroactive to January 1, 2014. (**Man Dir**)

ADMINISTRATIVE REPORT

The mayor read the report distributed to Council at the meeting, in summary:

- Update on the 5th and Penn Properties
- Receipt of an Excellence Award for the operation and maintenance of the WWTP
- Receipt of a Memorial Public Education Award by Amy Morris Acting Manager of the WWTP
- Submission of an application for the Promise Zone designation

AUDITOR'S REPORT

City Auditor Cituk read the report distributed to Council at the meeting, in summary:

- Update 2014 Admissions Tax
- Update 2014 Real Estate Transfer Tax
- Submission of the Charter required Budget Comments

REPORT FROM DEPT. DIRECTORS, BOARDS, AUTHORITIES, & COMMISSIONS

None.

ORDINANCES FOR FINAL PASSAGE

Pending – Further Legal Review Required

Bill No. 63-2014 – amending the Code Book, Chapter 600 “Zoning”, Section 600-807 entitled “C-C Commercial Core District” by amending: (1) Subsection B “Allowed Uses” to include public parking garages and parking lots owned/or operated by the City of Reading or the Reading Parking Authority, and to prohibit non-public parking garages and parking lots; and (2) Subsection C “Additional Requirements in the C-C District” to prohibit non-public parking garages or parking lots open to the general public. **(Parking Authority/Council Staff) Introduced at the July 28 regular meeting; Public Hearing 8-12-14; Ordinance Advertisement 8-11 and 8-18-2014**

A. Bill No. 91-2014 – setting the 2015 Property Tax rate without a change **(Law/Council Staff) Introduced at a Special Mtg on 9-16-14**

Councilor Marmarou moved, seconded by Councilor Goodman-Hinnershitz, to enact Bill No. 91-2014.

Bill No. 91-2014 was enacted by the following vote:

Yeas: Daubert, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Acosta,
President -7

Nays: - 0

B. Bill No. 92-2014 – setting the 2015 Commuter Tax Rate at 1.3% **(Law/Council Staff)**
Introduced at a Special Mtg on 9-16-14

Councilor Daubert moved, seconded by Councilor Marmarou, to enact Bill No. 92-2014.

The Managing Director explained that at the rate of 1.3%, 1% is paid to municipality where the employee resides and .3% remains with the City. The Commuter Tax is only available to municipalities in Act 47 and municipalities with distressed pension funds.

Bill No. 92-2014 was enacted by the following vote:

Yeas: Daubert, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Acosta,
President -7
Nays: - 0

C. Bill No. 93-2014 – establishing the 2015 Position Ordinance **(Law/Council Staff)**
Introduced at a Special Mtg on 9-16-14

Councilor Daubert moved, seconded by Councilor Marmarou, to enact Bill No. 93-2014.

Bill No. 93-2014 was enacted by the following vote:

Yeas: Daubert, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Acosta,
President -7
Nays: - 0

D. Bill No. 94-2014 – approving the 2015 General Fund Budget **(Law/Council Staff)**
Introduced at a Special Mtg on 9-16-14

Councilor Daubert moved, seconded by Councilor Marmarou, to enact Bill No. 94-2014.

Councilor Goodman-Hinnershitz commended Council and the administration for working through the long process to review and refine the budget. She stated that she cannot support the budget as it is too dependent on the use of the contingency and other one-time fixes. She stated that many of the new expenditures are not sustainable for future years. She suggested developing a sound plan to move the City forward and to address the City's structural issues.

Councilor Reed expressed the belief that Council and the administration did not make a good faith effort to reduce the City's expenditures. She noted that although the budget will be adopted without tax increases and without expenditure reductions, Council and the administration are really just kicking the can down the road. She stated that the budget uses one time fixes and unsustainable revenue resources. She said that while the process used was sound, more time should have been spent identifying additional reductions. She noted that the majority of the City's annual budget is spent on the Police and Fire budgets along with legacy costs, pensions and retiree healthcare costs, leaving only \$15M to cover all other

services and programs.

Councilor Waltman stated that Council and the administration spent a great deal of time in the budget review process. He noted that this difficult process was made more difficult due to the additional need of reviewing the amendment to the Recovery Plan and merging that plan with the budget.

Bill No. 94-2014 was enacted by the following vote:

Yeas: Daubert, Marmarou, Sterner, Waltman, Acosta, President - 5

Nays: Goodman-Hinnershitz, Reed - 2

E. Bill No. 95-2014 – approving 2015 Capital Budget (**Law/Council Staff**) *Introduced at a Special Mtg on 9-16-14*

Councilor Goodman-Hinnershitz moved, seconded by Councilor Reed, to enact Bill No. 95-2014.

Councilor Goodman-Hinnershitz stated that the Capital budget can be amended as the year moves forward.

Council President Acosta noted the need to obtain an update from CPAAM about the fundraising for the museum project and the completion timeline. He suggested a meeting in early January.

Bill No. 95-2014 was enacted by the following vote:

Yeas: Daubert, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Acosta, President -7

Nays: - 0

F. Bill No. 96-2014 – authorizing the execution of a grant of right of way and easement between the City and the Schuylkill River Greenways Association, thereby conveying unto the Schuylkill River Greenways Association a nonexclusive, perpetual access easement upon that portion of premises along the Morgantown Road (**Pub. Works**) *Introduced at the November 10 regular meeting*

Councilor Goodman-Hinnershitz moved, seconded by Councilor Reed, to enact Bill No. 96-2014.

The Managing Director explained that this bill is a housekeeping matter. She stated that when this property was purchased by the City, the pre-existing easement was somehow extinguished. This bill reinstates the easement.

Bill No. 96-2014 was enacted by the following vote:

**Yeas: Daubert, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Acosta,
President -7
Nays: - 0**

G. Bill No. 84-2014 – authorizing the execution of a settlement agreement to pay the legal charges associated with the water agreement to Stevens and Lee **(Adm Serv. Dir) Introduced at the October 27 regular meeting; Tabled at the Nov 10 regular meeting**

Councilor Goodman-Hinnershitz moved, seconded by Councilor Daubert, to table Bill No. 84-2014.

Bill No. 84-2014 was tabled by the following vote:

**Yeas: Daubert, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Acosta,
President -7
Nays: - 0**

H. Bill No. 89-2014 – authorizing the execution an Right of Way Grant/ Easement (attached as part of Exhibit “A”) to convey unto the UGI Utilities, Inc. an easement and uninterrupted right of access upon that portion of premises located at 14th & Green Streets, Reading, Berks County, Pennsylvania, as shown on a certain diagram attached as part of Exhibit “A”. **(Law/Pub Works) Introduced at the October 27 regular meeting; Tabled at 11-10-14 Mtg**

Councilor Goodman-Hinnershitz moved, seconded by Councilor Reed, to enact Bill No. 89-2014.

Councilor Sterner stated that this project will be in District 3 in the direct vicinity of the Hillside Playground and UGI agreed to contribute \$10,000 for the use of the land and make improvements to the area.

Bill No. 89-2014 was enacted by the following vote:

**Yeas: Daubert, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Acosta,
President - 6
Nays: Reed - 1**

I. Bill No. 90-2014 – authorizing the execution of the amendment to the Act 47 Recovery Plan (PFM) **Introduced at the October 27 regular meeting; Tabled at 11-10-14 Mtg (Law/Council Staff)**

Councilor Reed moved, seconded by Councilor Daubert, to enact Bill No. 90-2014.

Councilor Waltman thanked the PFM team, led by Mr. Mann, for working with Council and the administration to formulate and refine the plan and then to merge the amended plan with the 2015 budget. He stated that the plan represents a financial roadmap to improve the City’s financial health. He stated that in additional policy changes to shape the City’s future are

needed.

Councilor Goodman-Hinnershitz also thanked the PFM team and the administration for working together with Council on the plan. She noted that the plan contains some tough medicine but that medicine is needed to improve the City's financial health. She stated that the City officials will need to make some policy changes to address the City's long term health and financial viability.

Council President Acosta stated that he does not support the Recovery Plan due to his belief that the plan will not drive an end result that will correct the City's true problems. He expressed the belief that the City's true problems are created by faulty State legislation imposed on 3rd Class Cities. He suggested that the State Legislators begin correcting State legislation and mandates to create reforms in pensions, property taxes, taxation types, etc. He described the inequities between 3rd Class and 1st Class Cities and the freedom 1st Class Cities have when compared to 3rd Class Cities. He noted that when 70% of your annual budget is dedicated to legacy costs, pension and debt service there is little room to cut expenses and retain some level of public service.

Bill No. 90-2014 was enacted by the following vote:

Yeas: Daubert, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman,

President - 6

Nays: Acosta - 1

INTRODUCTION OF NEW ORDINANCES

The following ordinances were read into the record:

A. Ordinance - amending the City Code Chapter 339 Licenses and Permits, Part 2, Business Privilege License Revocation by making clarifications, as attached in Exhibit A **(Council Staff) Ad scheduled for 12-1-14**

B. Ordinance - amending City Code Chapter 212 by adding an appeal or \$150 for the refusal of the issuance of a business license and a business license reinstatement fee of \$1,000 (Council Staff) **Ad scheduled for 12-1-14**

C. Ordinance - repealing Bill No. 62-2014 and approving the new 4th addendum to the water lease with RAWA **(Council Staff)**

D. Ordinance - amending the Fee Schedule by increasing the Construction Code Fees, effective January 1, 2015 **(Man Dir) Ad scheduled for 12-1-14**

E. Ordinance - amending City Code Chapter 467 Sewers and Sewage Disposal, to allocate the sewer service rental between the sanitary sewer and stormwater sewer **(Pub. Works)**

RESOLUTIONS

A. Resolution No. 127-2014 – denying the COA Appeal at 306 South 5th Street (**Council Staff**)

Councilor Daubert moved, seconded by Councilor Reed, to adopt Resolution No. 127-2014.

Resolution No. 127-2014 was adopted by the following vote:

Yeas: Daubert, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Acosta, President - 7

Nays: None - 0

B. Resolution No. 128-2014 – appointing Osmer Deming to the Library Board (**Nom & Appts**)

C. Resolution No. 129-2014 – appointing Richard Spangler to the Human Relations Commission (**Nom & Appts**)

Councilor Marmarou moved, seconded by Councilor Daubert, to adopt Resolution Nos. 128 and 129-2014.

Councilors Marmarou, Daubert and Goodman-Hinnershitz spoke about the merits of those being appointed.

Councilor Goodman-Hinnershitz suggested the use of a job description for the Boards, Authorities and Commissions that can be used by those applying and by the Nominations Committee during the interview process.

Resolution Nos. 128 and 129-2014 were adopted by the following vote:

Yeas: Daubert, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Acosta, President - 7

Nays: None - 0

COUNCIL COMMENT

Councilor Marmarou noted the need to remind residents about the change in the solid waste collection schedule when major holidays occur, as the change disrupts the set out times.

Councilor Daubert described the community meetings in the South of Penn area that are held each Tuesday evening.

Councilor Reed spoke about the tree lighting ceremony at Centre Park on December 6th and the County Holiday Light Display that starts at Grings Mill on December 5th.

Council President Acosta announced that the original Christmas tree will remain at its present 5th and Penn location and the additional tree will be set up either at 11th and Penn or 2nd and Penn Street. The new tree will be decorated on Friday at 1 pm and the lighting ceremony is planned for Saturday at 5 pm.

Council President Acosta explained that the major issues on tonight's Council agenda such as the 2015 budget and the amendment to the Recovery Plan caused him to reconsider moving the original tree from its 5th and Penn location. He stated that he didn't want the Council meeting disrupted by the tree issue. He stated that at times, leaders need to make tough decisions.

Council President Acosta expressed the belief that to stimulate the revitalization of the downtown, the City should have a tree befitting that vision. He noted the great national and international media coverage about the City's tree. He suggested using that coverage to obtain sponsors to beautify the tree.

Councilor Goodman-Hinnershitz expressed the belief that the serenity of the mountain where the original came from is depicted in the tree.

Councilor Reed thanked the Council President for purchasing the new Blue Spruce tree.

Council President Acosta stated that to date over \$1,000 in donations have been made to fund new lighting and decorations for the new tree. He thanked those who contributed to date.

Councilor Sterner moved, seconded by Councilor Marmarou, to adjourn the regular meeting of Council.

Respectfully submitted by Linda A. Kelleher CMC, City Clerk